

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHARLES EICKLEBERRY, et al.	:	
	:	Civil Action No. 09-1556 (NLH)
Plaintiffs,	:	
	:	
v.	:	ORDER
	:	
H. LAPPIN, et al.,	:	
	:	
Defendants.	:	CLOSED

For the reasons expressed in the Opinion filed herewith,

IT IS on this 8th day of April, 2009,

ORDERED that Plaintiffs Timothy Junkert, Scott Burhyte, and Michael Jackson are dismissed from this action; and it is further

ORDERED that the Clerk of the Court shall open a new case for each of the dismissed Plaintiffs with the Complaint from this case; and it is further

ORDERED that the Clerk shall assign each of the newly-opened cases to the same judge who is assigned to this case; and it is further

ORDERED that the Clerk shall enter the Opinion and Order in this case on the docket in each of the newly-opened cases; and it is further

ORDERED that the Clerk shall send each of the dismissed Plaintiffs a blank form Application to Proceed In Forma Pauperis and a blank form Complaint for use by a prisoner in filing a civil rights complaint; and it is further

ORDERED that, within 30 days of the date of entry of this Order, each dismissed Plaintiff shall either remit the \$350 filing fee or submit a completed and signed in forma pauperis application, including a certified copy of his institutional account statements for the preceding 6-month period; and it is further

ORDERED that, within 30 days after entry of this Order, each of the dismissed Plaintiffs may indicate his intent to proceed with his claims by filing an Amended Complaint asserting his individual claims; and it is further

ORDERED that, if any dismissed Plaintiff fails to file such an Amended Complaint, or if any dismissed Plaintiff fails to submit an in forma pauperis application or pay the filing fee, such dismissed Plaintiff's Complaint shall be deemed withdrawn, and such dismissed Plaintiff's case shall be closed without further notice; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(g), Plaintiff Charles Eickleberry's application for leave to proceed in forma pauperis is DENIED; and it is further

ORDERED that the Clerk of the Court shall send Plaintiff Charles Eickleberry a blank form Complaint for use by a prisoner in filing a civil rights case; and it is further

ORDERED that the Clerk of the Court shall administratively terminate this case, without filing the Complaint or assessing a filing fee; and it is further

ORDERED that if Plaintiff Charles Eickleberry wishes to reopen this action, he shall so notify the Court, in writing addressed to the Clerk of the Court, Mitchell H. Cohen Building and U.S. Courthouse, Fourth and Cooper Streets, Camden, New Jersey, 08101, within 30 days of the date of entry of this Order; Plaintiff's writing shall include payment of the \$350 filing fee and a proposed amended complaint asserting his individual claims; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon all Plaintiffs by regular U.S. mail; and it is further

ORDERED that the Clerk of the Court shall close the Court's file in this matter.

At Camden, New Jersey

s/Noel L. Hillman
Noel L. Hillman
United States District Judge